



PATENT  
Attorney Docket 044921-5053-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia Murphy et al.** )  
Application No. **09/982,828** )  
Filed: **October 22, 2001** )  
For: **Coding Sequences of the Human BRCA1 Gene** )

Group Art Unit: 1653

Examiner: Not Assigned

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Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(b)**

Pursuant to 37 C.F.R. 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

The present application is a divisional application of Application 09/074,453 (filed May 6, 1998) which is a continuation application of Application 08/798,691 (filed February 12, 1997) which in turn is a continuation of Application 08/598,591 (filed February 12, 1996). A copy of the PTO-1449 forms filed with these documents are attached. Also attached is a third PTO-1449 which lists references cited by the Examiner in Application 09/074,453 but not previously submitted.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

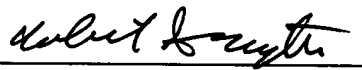
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due

under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **June 10, 2002**  
Morgan, Lewis & Bockius LLP  
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1111 Pennsylvania Avenue  
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202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
Robert Smyth  
Registration No. 50,801

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary) <b>PTO Form 1449</b>				Attorney Docket <b>044921-5053-01</b>		Application No. <b>09/982,828</b>	
				Applicants: <b>Patricia Murphy <i>et al.</i></b>		Page 1 of 1	
				Filing Date: <b>October 22, 2001</b>		Group Art Unit: <b>1653</b>	

U.S. PATENT DOCUMENTS							
Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
	aa	5,821,328	10/13/1998	King <i>et al.</i>	530	300	04/02/1997
	ab	5,753,441	05/19/1998	Skolnick <i>et al.</i>	435	6	01/05/1996

FOREIGN PATENT DOCUMENTS							
		Document No.	Date	Country	Class	Sub-Class	Translation

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)	

Examiner	Date Considered
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# INFORMATION DISCLOSURE CITATION

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PTO Form 1449

Attorney Docket No. 044921-5053

Application No. 09/074,463

Applicant: Patricia D. MURPHY *et al.*

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Filing Date: 05/06/98

Group: 1635

## U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	5965377	10/12/99	Adams <i>et al.</i>	435	7.23	
	5650316	07/22/97	Aggarwal <i>et al.</i>	435	375	
	5593840	01/14/97	Bhatnagar <i>et al.</i>	435	6	
	5582989	12/10/96	Caskey <i>et al.</i>	435	6	
	6045997	04/04/00	Futreal <i>et al.</i>	435	6	
	5561058	10/01/96	Gelfand <i>et al.</i>	435	912	
	5891857	04/06/99	Holt <i>et al.</i>	514	44	
	4704362	11/03/87	Itakura <i>et al.</i>	435	253	
	5583013	10/10/96	Itakura <i>et al.</i>	435	69.4	
	5221619	06/22/93	Itakura <i>et al.</i>	435	69.4	
	6051379	08/18/00	Lescallett <i>et al.</i>	435	6	
	5858669	01/12/99	Levine	435	6	
	4683202	07/28/87	Mullis	435	91	
	6130322	10/10/00	Murphy <i>et al.</i>	536	23.1	
	5750400	05/12/98	Murphy <i>et al.</i>	435	6	
	5912127	06/15/99	Narod <i>et al.</i>	435	6	
	5624803	04/29/97	Noonberg <i>et al.</i>	435	6	
	6083698	07/04/00	Olson <i>et al.</i>	435	6	
	5948643	09/07/99	Rubinfeld <i>et al.</i>	435	69.1	
	5709999	01/20/98	Shattuck-Eidens <i>et al.</i>	435	6	
	5693473	12/02/97	Shattuck-Eidens <i>et al.</i>	435	6	
	5589330	12/31/96	Shuber	435	5	
	5633134	05/27/97	Shuber	435	6	
	5710001	01/20/98	Skolnich <i>et al.</i>	435	6	
	5747282	05/05/98	Skolnick	435	69.1	
	5753441	05/19/98	Skolnick	435	6	
	6033857	03/07/00	Tavtigian <i>et al.</i>	435	6	
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	5756294	05/26/98	White <i>et al.</i>	435	6	

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary) PTO Form 1449		Attorney Docket No. 044921-5053 Applicant: Patricia D. MURPHY <i>et al.</i> Filing Date: 05/06/98	Application No. <b>09/074,453</b> Page 2 of 2 Group: 1635			
<b>FOREIGN PATENT DOCUMENTS</b>						
	Document Number	Date	Country	Class	Sub Class	Translation YES NO
	WO9815654	04/16/98	WO			<div style="font-size: 2em; font-weight: bold; margin: 0;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin: 0;">JUN 14 2002</div> <div style="font-size: 1.2em; font-weight: bold; margin: 0;">TECH CENTER 1600 2900</div>
	EP0705903A1	10/04/96	EP			
	W09722689	06/26/97	WO			
	W09730108	08/21/97	WO			
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Examiner				Date Considered		
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## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

PTO FORM 1449

ATTY. DOCKET NO.

05371.0034.US01

APPLICATION NO.

09/074,453

APPLICANT

Murphy *et al.*

FILING DATE

May 6, 1998

GROUP

1635

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	5,445,934	8/29/1995	Fodor <i>et al.</i>	435	6	
	5,510,270	4/23/1996	Fodor <i>et al.</i>	436	518	
	5,547,839	8/20/1996	Dower <i>et al.</i>	435	6	
	5,593,840	1/14/1997	Bhatnagar <i>et al.</i>	435	6	
	5,654,155	8/5/1997	Murphy <i>et al.</i>	435	6	

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						YES	NO
	WO 95/19369	July 20, 1995	WO				
	EP 0 699 754 A1	March 6, 1996	Europe				
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EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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